

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: May 12, 2015

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BENJAMIN CAREATHERS,

Plaintiff,

v.

RED BULL NORTH AMERICA, INC.,

Defendant.

13 Civ. 0369 (KPF)

CLASS ACTION

-----X
DAVID WOLF, *et al.*,

Plaintiff,

v.

RED BULL GMBH, *et al.*,

Defendant.

13 Civ. 8008 (KPF)

-----X
KATHERINE POLK FAILLA, District Judge:

**ORDER FOR AWARDING ATTORNEYS' FEES, EXPENSES AND SERVICE
AWARDS FOR NAMED PLAINTIFF**

WHEREAS, Plaintiffs' Motion For Approval of Attorneys' Fees, Service Fees, And Reimbursement Of Expenses (the "Motion," ECF No. 63) came before the Court for hearing on May 1, 2015, pursuant to the Court's Order Granting Preliminary Approval of Class Action Settlement dated September 3, 2014 ("Preliminary Approval Order," ECF No. 45), preliminarily approving the Settlement, conditionally certifying a class, approving the form of notice, and appointing Morelli Alters Ratner, LLP and Kaplan Fox & Kilsheimer LLP as Class Counsel, and due and adequate notice having been given to the Settlement Class as required in the Preliminary Approval Order, and the Court,

having read and considered the Motion, Objections thereto, Plaintiffs' reply and the arguments of counsel, now FINDS, CONCLUDES AND ORDERS as follows:

1. This Order incorporates by reference the definitions in the Stipulation of Settlement ("Stipulation," ECF No. 42-1), and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation.

2. This Court has jurisdiction over the subject matter of the Actions and over all parties to the Actions, including all members of the Settlement Class.

3. Settlement Class Members and any party from whom payment is sought have been given the opportunity to object to the Motion in compliance with Federal Rule of Civil Procedure 23(h)(2).

4. The Motion is hereby GRANTED to the extent set forth below:

a. The Court awards attorneys' fees in the amount of \$3,380,000. The Court finds that an award of attorneys' fees of 26 percent of the \$13 million Settlement Fund is fair and reasonable in light of the following factors, among others: the time and labor expended by counsel; the magnitude and complexities of this litigation; the risk of this litigation; the quality of the representation; the requested fee in relation to the settlement; and, public policy considerations.

b. The Court grants the request for reimbursement of out of pocket expenses in the amount of \$113,448.00, pursuant to the costs identified by Class Counsel in their respective Declarations. The out of pocket

expenses incurred by Class Counsel have been adequately documented and were reasonably incurred for the benefit of the Settlement Class, and the Court finds that reimbursement of those expenses is justified; and

c. The Court awards \$5,000 each in incentive awards for Plaintiffs Benjamin Careathers, David Wolf and Miguel Almaraz ("Plaintiffs"), the three named plaintiffs, for their service to the Class. The Plaintiffs served the Class by being the face of the settlement in the media and on the internet; they made themselves available, as needed, to discuss the case with Class Counsel; and they reviewed the status of the case with Class Counsel. The amount here is comparable or lower to incentive awards in similar cases.

7. The finality of the Judgment entered with respect to the Settlement shall not be affected in any manner by this Order, or an appeal from this Order.

8. There is no just reason for delay in the entry of this Order, and immediate entry of this Order by the Clerk of the Court is expressly directed.

SO ORDERED.

Dated: May 12, 2015
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge